



Practitioner's Pocket No. 60687 (46865)

1634
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kusk, Philip
Application No.: 09/889,491
Filed: February 5, 2002
For: GENETIC PREDISPOSITION

Group No.: 1634
Examiner: Switzer, Juliet C.

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Request for Reconsideration for this application.

STATUS

2. Applicant is
[X] a small entity. A statement:
[] is attached.
[X] was already filed.
[] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period."

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.10)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [X] deposited with the United States Postal Service
"Express Mail Post Office To Addressee" service
under 37 CFR 1.10 in an envelope addressed to the
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.

Express Mail Label No. EV438994735US

Date: **June 30, 2004**

FACSIMILE

- [] transmitted by facsimile to the Patent and
Trademark Office (703) ____-____.

Patricia A. Barnes

Signature

Patricia A. Barnes

(type or print name of person certifying)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$ 1,480.00	\$ 740.00

Fee: \$ 475.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

(Col.1)	(Col. 2)	SMALL ENTITY			OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		Rate	Addit. Fee
			\$9.00	\$		\$18.00	\$
Independent Claims			\$42.00	\$		\$84.00	\$
First Presentation of Multiple Dependent Claim+			\$140.00	\$		\$280.00	\$
						Total Addit. Fee	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 475.00.

☐ Charge Account No. _____ the sum of \$ _____.

A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.



SIGNATURE OF PRACTITIONER

Reg. No. 40,927

Tel. No. (617) 439-4444

Fax: (617) 439-4170 / 7748

Customer No. 21874

Robert L. Buchanan

(type or print name of practitioner)

EDWARDS & ANGELL, LLP

P. O. Box 55874, Boston, MA 02205

P.O. Address

#449911



Attorney Docket No. 60687(46865)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Kusk, Philip EXAMINER: Switzer, Juliet, C.
U.S.S.N.: 09/889,491 GROUP: 1634
FILED: February 5, 2002 Conf. No. 703-306-5824
FOR: GENETIC PREDISPOSITION

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAIL

I, Patricia A. Barnes, hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office To Addressee" Label No. **EV438994735US** in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **June 30, 2004**.

By: *Patricia A. Barnes*
Patricia A. Barnes

RESPONSE AND AMENDMENT

In response to the Office action of January 2, 2004, Applicant respectfully requests reconsideration in view of the following amendments and remarks. The period for response has been extended by virtue of the enclosed Petition For Extension of Time and requisite fee.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

REMARKS begin on page 5 of this paper.

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